lines listed above have experienced an overall 63 per cent decline in theft rate from MY 1987 to MY 1992.

NHTSA believes that there is substantial evidence that the antitheft device that will be installed on the car line that is the subject of this notice will likely be as effective in reducing motor vehicle theft as compliance with the theft prevention standard (49 CFR part 541). The VW system will provide all of the five types of performance listed in Section 543.6(a)(3): promoting activation; attracting attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. section 33106(c)(2) and 49 CFR 543.6(a)(4), the agency also finds that Volkswagen has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information VW provided about its device. This information included a description of reliability and functional tests conducted by VW for the antitheft device and its components.

For the foregoing reasons, the agency hereby exempts the car line that is the subject of this notice in whole from the requirements of 49 CFR part 541.

If VW decides not to use the exemption for this car line, it should formally notify the agency. If such a decision is made, the car line must be fully marked according to the requirements of 49 CFR 541.5 and 541.6 (marking of major components and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available. With implementation of the requirements of the ''Anti Car Theft Act of 1992,'' NHTSA anticipates more probative data upon which comparisons may be made.

NHTSA notes that if VW wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device upon which that lines exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''[t]o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Dated: April 4, 1995.

Howard M. Smolkin,

Executive Director.

[FR Doc. 95–8763 Filed 4–7–95; 8:45 am]

BILLING CODE 4910–59–P

Petition for Exemption From the Vehicle Theft Protection Standard; Mercedes-Benz of North America, Inc.

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (NHTSA) DOT.

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition of Mercedes-Benz of North America, Inc. (''Mercedes'') for exemption of its MY 1996 202 (''C-Class'') car line from the parts marking requirements of the vehicle theft protection standard. This petition is granted because the agency has determined that the antitheft device to be placed on the car line as standard equipment, is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts marking requirement.

DATES: The exemption granted by this notice is effective beginning with the 1996 model year.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara A. Gray, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Ms. Gray's telephone number is (202) 366–1740.

SUPPLEMENTARY INFORMATION: On November 29, 1994, Mercedes-Benz of North America, Inc. (Mercedes) submitted a petition for exemption from the theft prevention standard for its model year (MY) 1996 202 car line (C-Class) pursuant to 49 CFR Part 543, *Exemption From Vehicle Theft Prevention Standard,* (59 FR 10756). The petition submitted by Mercedes meets the general requirements for a petition contained in 49 CFR 543.5, and the specific content requirements of§ 543.6. Therefore, the petition is complete as required by § 543.7.

In its petition, Mercedes provided a detailed description of the identity, design and location of the components of the antitheft device for the car line, including diagrams of the components and their location in each vehicle. The system consists of a central locking system and an engine starter-interrupt function.

Mercedes states that a microprocessor antitheft system featuring an electronic engine immobilizer will be installed as standard equipment on all cars in the C-Class car line beginning in December 1994. The antitheft system will be phased in during MY 1995. The exemption is requested to begin with MY 1996 since the C-Class line will then have this antitheft system as standard equipment. The planned beginning of production for the MY 1996 C-Class line is mid-September 1995.

Mercedes states that the system is automatically activated either by using the infrared remote control unit or by locking the vehicle with the standard door/ignition key at either of the front door locks or at the trunk lock. The system is deactivated by the remote control or through the normal vehicle unlocking procedure, when the standard door/ignition key is turned in either of the front door locks or the trunk lock. An LED lamp on the radio flashes to call attention to the antitheft system and radio code functions.

The antitheft system of the C-Class line for which Mercedes seeks this exemption does not include a visual or an audible alarm feature as standard equipment. An enhanced antitheft system with an additional audible/visual alarm is available as an option. Mercedes stated that approximately 51 percent of MY 1994 C-Class car line customers ordered the enhanced version of the antitheft system. Mercedes also pointed out that NHTSA recently granted full exemptions to two General Motors car lines (based on theft rates) which had installed as standard equipment the ''PASS-KEY'' system which also does not have a visual or audible alarm function.

All the components of the new system (immobilizer, battery, wiring, wiring connections and switches) are located in areas inaccessible from underneath the

engine compartment. Locking the vehicle with the remote control or mechanical key causes the infrared central locking control unit to lock the exterior locks. The infrared remote control unit or the key then provides a coded signal that actuates the immobilizer, which prevents the vehicle from being operated under its own power. The engine ignition and fuel systems are electronically shut down and the steering and shift lever are mechanically locked.

Unlocking the vehicle with the remote control or the mechanical key signals the infrared remote central locking unit to centrally unlock the exterior lock, and provide an enabling code which de-energizes the immobilizer. Deactivation of the immobilizer, without unlocking the vehicle by using the remote or key, is prevented since no electrical connection exists between the mechanical plungers and the key-operated door locks. This means that if a window is broken, lifting the door plunger will unlock the specific door but will not deactivate the immobilizer. The interior central locking/unlocking switch is not connected to the immobilizer, ensuring that the vehicle cannot be inadvertently immobilized, and, at the same time, preventing the immobilizer from being defeated by breaking a window and depressing the interior switch. Removing and then reapplying battery power will not disable the immobilizer.

In addition to the immobilizer the C-Class car line has other features. The large diameter of the car line's lock cylinder helps increase the resistance to screwdrivers or lock-pullers. Standard anti-slim-jim covers placed over the front and rear door locking mechanisms further increase the vehicle's resistance to break-in attempts. Rear door lock/unlock mechanisms are routed to make the rods inaccessible to slim-jim type devices. The hood locking mechanism is shielded and the hood cable is routed so as to make it inaccessible from underneath the vehicle. The battery is located in the trunk compartment, preventing access from the exterior of the vehicle.

The door/ignition key is of a unique, internal cut design which is extremely difficult to duplicate. A copy of the steel key must be ordered directly from an authorized Mercedes dealer by using the vehicle identification number. Mercedes also states that owner verification measures are also in place at dealerships. The C-Class vehicle includes a ratcheting steering wheel lock as standard equipment. Instead of the lock pin breaking completely when forced, such as when the wheel is turned with a breaker bar, the C-Class line's steering wheel lock will yield when the force exceeds a set level; then re-lock itself automatically when the force drops below the set level. The high force level at which the mechanism is designed to yield effectively prevents the vehicle from being steered.

Mercedes stated that the microprocessor control unit and all related system components have been subjected to a series of design and production tests. These tests include reversed polarity tests, over and under voltage tests, short circuit tests, electromagnetic interference tests, temperature and humidity tests, corrosion tests, vibration life cycle tests, and drop impact tests.

The entire system utilizes a microprocessor control unit with built-in self-test features which recognize and exclude sensor failures and allow the system to be easily maintained out in the field.

In discussing why it believes that this antitheft device will be as effective as parts marking in reducing and deterring motor vehicle theft, Mercedes states that the immobilizer for this theft deterrent system for the C-Class line is an improvement of the starter-interlock relay module which was incorporated into the 124 line (E-Class) and the 140 line (S-Class). The agency granted a petition for exemption for the 124 line and the 140 line was designated as a likely low-theft line.

Mercedes reiterated that even though the antitheft system on the C-Class line does not have any audible or visual alarm functions, theft data for exempted General Motors car lines without audible or visual alarm functions indicates that the lack of alarm functions has not prevented the systems from being effective. On January 19, 1995, Mercedes provided two charts indicating the reduction of theft rates of car lines that have installed as standard equipment an antitheft device without an audible or visual alarm function. One chart listed four lines, the Buick Riviera, Cadillac Eldorado, Cadillac DeVille, and Oldsmobile Toronado. Mercedes listed theft lines beginning with the MY 1986 through MY 1990. The antitheft systems were offered as standard equipment on these lines beginning with MY 1990.

Two of the lines, (Buick Riviera and Cadillac DeVille), decreased 33 percent and 54 percent respectively from the 1986 MY. The other two, (Cadillac Eldorado and Oldsmobile Toronado) increased 9 percent and 16 percent respectively. Coincidentally, the Eldorado and Toronado parts were interchangeable. The other chart provided by Mercedes depicted the theft experience of the Chevrolet Camaro and Pontiac Firebird for MYs 1989–1992. Both lines continue to decrease in theft rates, 28 percent decrease for the Camaro and 41 percent decrease for the Firebird.

NHTSA believes that there is substantial evidence that the antitheft device that will be installed on the 1996 Mercedes C-Class car line will likely be as effective in reducing motor vehicle theft as compliance with the theft prevention standard (49 CFR Part 541). The Mercedes system will provide four of the five types of performance listed in Section 543.6(a)(3): Promoting activation; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device. It does not provide a means for attracting attention to the efforts of an unauthorized person to enter or move a vehicle by means other than a key. However, the agency believes that Mercedes has provided substantial evidence that a system that lacks a device for attracting attention to unauthorized entry nevertheless can be as effective as parts marking in deterring motor vehicle theft.

As required by 49 U.S.C. section 33106(c)(2) and 49 CFR 543.6(a)(4), the agency also finds that Mercedes has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Mercedes provided on its device. This information included a description of reliability and functional tests conducted by Mercedes for the antitheft device and its components.

For the foregoing reasons, the agency hereby exempts the MY 1996 Mercedes C-Class car line in whole from the requirements of 49 CFR Part 541.

If Mercedes decides not to use the exemption for this car line, it should formally notify the agency. If such a decision is made, the car line must be fully marked according to the requirements of 49 CFR 541.5 and 541.6 (marking of major components and replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available. With implementation of the requirements of the ''Anti Car Theft Act of 1992,'' NHTSA anticipates more

probative data upon which comparisons may be made.

NHTSA notes that if Mercedes wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device upon which that line exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''[t]o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a petition for every change to the components or design of an antitheft device. The significance of many such changes could be de minimis. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as de minimis, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Dated: April 4, 1995.

Howard M. Smolkin,

Executive Director.

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